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International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the third periodic report of Monaco

Addendum

Information received from Monaco on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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1. On 31 March 2015, the Human Rights Committee adopted concluding observations following its consideration of the third periodic report of Monaco on the implementation of the International Covenant on Civil and Political Rights.

2. Among its recommendations, the Committee requested Monaco to provide, within one year, information on its follow-up to the recommendation relating to publicly offending the royal family:

> "The Committee recommends that the State party review articles 58 to 60 of its Criminal Code, on publicly offending the royal family, to bring them into line with article 19 of the Covenant. Pursuant to its general comment No. 34 (2011) on freedom of opinion and freedom of expression, the Committee reiterates that the imprisonment of persons by reason of the exercise of their freedom of expression constitutes a violation of article 19, which attaches special importance to free speech. The Committee points out that all public figures, including those who hold office at the highest level, are legitimately exposed to criticism and political dissent, and the laws should not establish harsher penalties solely on the basis of the status of the person being referred to."

3. The Princely Government duly examined all the recommendations made by the Committee with the utmost care and undertook a study to identify follow-up action for each of them.

4. With specific regard to the recommendation on public insults, the Monegasque authorities wish to highlight the commitment of Monaco to freedom of expression and to recall that the offences covered under the provisions of articles 58 to 60 of the Criminal Code are not in any way intended to limit the scope of that freedom.

5. A comparative law study has shown that in general terms, the range of criminal penalties relating to the expression of public insults in Monaco does not differ significantly from the vast majority of similar legislation in other European monarchies. The same can be said for the approach adopted in penalizing insults pronounced not against the monarch himself, but against his family.

6. The statistics on cases of this type that have led to prison sentences in Monaco since 2008 are contained in the annex.

7. In seven of the convictions, the accused faced a range of other charges, including contempt, threats, overt public insult, rebellion and damage to public property, in addition to that of offending the Prince or his family.

8. Furthermore, none of the prosecutions for offending the Prince were brought in relation to political debate or involved journalists or media outlets.

9. The last sentence handed down, in 2014, can be explained by the fact that the threats and insults uttered by the defendant were particularly vicious, were unrelated to any political debate or context and were pronounced in the Palais de Justice (the building housing the law courts) itself.

10. The charge of offending the Prince was retained by the court because, although several persons witnessed the incident, none of them could personally be considered the target of the insults uttered, and they were thus not able to sue for damages in criminal proceedings. The only applicable charge was that of offending the Prince.

11. The accused, who had previously been convicted of similar offences in France, did not appeal against the ruling by the criminal court.

12. In the light of all of the above, the Princely Government at this stage has no plans to modify articles 58 to 60 of the Criminal Code, on publicly offending the royal family.

13. However, the Director of Judicial Services has issued the public prosecutor's office with a general instruction on criminal policy:

- Specifying that articles 58 and 59 of the Criminal Code should be applied in accordance with article 10 of the European Convention on Human Rights and article 19 of the International Covenant on Civil and Political Rights; and
- Emphasizing that those articles are intended to punish insults against the monarch and his family and not to prevent the free discussion of matters of public interest.

Annex

2008

- Suspended sentence of 1 month's imprisonment plus a fine of €500
- Sentence of 1 month's imprisonment
- Sentence of 15 days' imprisonment

2011

- Sentence of 6 days' imprisonment

2012

- Sentence of 2 months' imprisonment

2013

- Suspended sentence of 8 days' imprisonment
- Sentence of 10 days' imprisonment
- Sentence of 15 days' imprisonment
- Sentence of a fine of €3,000

2014

- Sentence of 3 months' imprisonment